

### **REMARKS**

Applicants submit these remarks in response to the Office Action dated December 11, 2003 ("Office Action"). Applicants have also filed a one-month Petition for Extension of time and believe that this extension of time is effective to allow timely filing of a response up to and including April 12, 2004. In the event that Applicants are incorrect in their assumption, please charge any fee due in connection with this submission to Deposit Account No. 50-2212, Order Number 044989.0304700.

#### *Drawings*

Applicants thank the Examiner for forwarding the PTO Draftsperson's approval of Formal Drawings.

#### *Specification*

Applicants have amended the first paragraph of the specification to correct the priority chain in the pending application. Additionally, in order to overcome the Examiner's objection to the title, Applicants have amended the title of the invention to more clearly indicated the subject matter of the claimed invention.

#### *Examiner's Rejection of Claims 1-2*

The Examiner rejected claims 1-2 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. The Examiner also rejected claims 1-2 under 35 U.S.C. § 103 as allegedly being unpatentable over Good *et al.*, "Structure-Activity Relationships from Molecular Similarity Matrices", Journal of Medicinal Chemistry, Vol. 36(4), pp. 433-438 (February 1993), in view of Herndon, "Similarity and Dissimilarity of Molecular Structures," reported in Warr, "Exploiting Molecular Diversity," pp. 23-25 (February 1995), and further in view of Egger *et al.*, U.S. Patent 5,832,494 which was filed May 17, 1996 and issued on November 3, 1998.

By way of this Amendment, Applicants have cancelled claims 1-2 without prejudice or disclaimer to the subject matter therein. Upon entry of the foregoing amendments, new claims 3-

23 are currently pending in the Application. Applicants assert that this Amendment has rendered moot the Examiner's rejections to claims 1-2, outlined above. The amendment does not, however, constitute an admission regarding the patentability of the amended subject matter and should not be so construed.

*Support For Newly Added Claims*

The amendments made herein introduce no new matter and their entry is respectfully requested. Support for the claim amendments can be found throughout the original specification as filed. Thus, the following comments are only provided to illustrate specific cites to certain embodiments of the claimed invention.

Support for new independent claim 3 can be found, for example, at: specification page 3, ll. 8-12; specification page 7, ll. 7-10; specification page 11, ll. 24-25; specification page 18, ll. 23-24; specification page 18, ll. 23-24; specification page 27, ll. 14-23; specification page 28, ll. 18-21; specification page 29, ll. 11-12; specification page 29, ll. 15-30; specification page 32, ll. 3-8; and specification page 37, l. 15 to page 38, l. 2.

Support for new dependent claim 4 can be found, for example, at specification page 27, l. 24 to 28, l. 17 and at specification page 13, ll. 7-8. Support for new dependent claim 5 can be found, for example, at page 29, ll. 18-28. Support for new dependent claim 6 can be found, for example, at specification page 37, ll. 15-19. Support for new dependent claim 7 can be found, for example, at: specification page 27, ll. 18-23; specification page 37, l. 20 to 38, l. 2; and specification at 38, ll. 12-22. Support for new dependent claims 8-10 can be found, for example, at specification page 30, ll. 18-27 and specification page 38, ll. 18-22. Support for new dependent claim 12 can be found, for example, at: specification page 30, ll. 17-27; specification 34, l. 18 to page 35, l. 3; and specification page 36, ll. 10-26. Support for new dependent claims 13-16 can be found, for example at specification page 30, ll. 17-27 and at specification page 33, ll. 10-25. Support for new dependent claim 17 can be found, for example, at specification page 36, ll. 10-19. Support for new dependent claims 18-20 can be found, for example, at: specification page 27, ll. 14-23; specification page 37, l. 20 to page 38, l. 2; and in Figure 5. Support for new dependent claim 21 can be found, for example, at specification page 30, ll. 17-

20. Support for new dependent claim 22 can be found, for example, at specification page 31, l. 5 to page 32, l. 20 and in Figure 5.

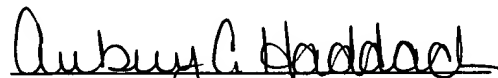
Support for new independent claim 23 can be found, for example, at: specification page 9, l. 5 to specification page 11, l. 18; specification page 27, ll. 14-17; and in Figure 3.

### **CONCLUSION**

Please charge any fee due in connection with this submission to Deposit Account No. 50-2212, Order Number 044988.0304700. Applicants believe that for the reasons set forth above, claims 3-23 are in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (858) 847-4189.

Respectfully submitted,

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